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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

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United States District Court  
Southern District of Texas

**ENTERED**

December 06, 2017

David J. Bradley, Clerk

Lauger Companies, Inc.,

Plaintiff,

*versus*

Mid-Continent Casualty Company,

Defendant.

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Civil Action V-16-11

### Award of Fees and Costs

I. *Introduction.*

A company sold defective concrete to a builder. On summary judgment, the builder recovered \$78,652.52 in damages caused by the concrete's failure in the building from the seller's insurer.

2. *Attorneys' Fees.*

The builder – Lauger Companies, Inc. – moved for attorneys' fees and costs. It asked for \$25,027.50 in attorneys' fees. To decide whether the requested attorneys' fees are reasonable, start by multiplying the number of hours spent on the case by the rate charged. Next, a court looks at twelve non-exclusive and overlapping factors to adjust that amount if necessary.

These factors are: (a) time and labor required – neutral; (b) novelty and difficulty of the questions – neutral; (c) skill required to perform the legal work properly – neutral; (d) preclusion of other employment by accepting this case – neutral; (e) customary fee – neutral; (f) whether the fee is fixed or contingent – neutral; (g) time limitations imposed by the client or circumstances – negative; (h) amount involved and results obtained – positive; (i) experience, reputation, and ability of the attorneys – neutral; (j) undesirability of the case – neutral; (k)

nature and length of the professional relationship with the client – neutral; and  
(l) awards in similar cases – neutral.<sup>1</sup>

This case lasted for approximately one and one-half years, culminating in summary judgment. The questions were of average difficulty. The case was not undesirable, nor did it preclude other work. The fee was fixed, and the rate of \$350 is customary. No time limits were imposed. Lauger won and was awarded roughly half of what it initially wanted. David Griffin and Robert McKnight, Jr., were competent attorneys. The attorney-client relationship included this and related litigation. The parties did not brief the court on awards in similar cases.

The factors show that \$25,027.50 is a reasonable fee.

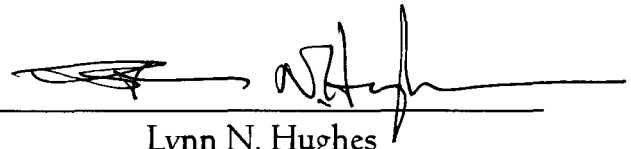
3. Costs.

Lauger may recover \$3,004.23 in costs.

4. Conclusion.

Lauger Companies, Inc., may recover from Mid-Continent Casualty Company \$25,027.50 in attorneys' fees plus \$3,004.23 in costs.

Signed on December 6, 2017, at Houston, Texas.

A handwritten signature in black ink, appearing to read "L. N. Hughes", is written over a horizontal line.

Lynn N. Hughes  
United States District Judge

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<sup>1</sup> *Johnson v. Georgia Highway Express*, 488 F.2d 714 (5<sup>th</sup> Cir. 1974).